



1623

PATENT
ATTORNEY DOCKET NO. 013306-5003 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ian Duncan RUBIN *et al.*

Application No.: 09/891,615

Filed: June 27, 2001

For: *Extracts, Compounds And
Pharmaceutical Compositions Having
Anti-Diabetic Activity And Their Use*

Group Art Unit: 1623

Examiner: Patrick T. Lewis

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT
TRANSMITTAL FORM

- Transmitted herewith is a response to the Restriction Requirement dated August 27, 2002.
- Additional papers enclosed:

☐ Information Disclosure Statement
☐ Form PTO-1449
☐ Citations

- Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

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If an additional extension of time is required, please consider this a Petition therefor.

[] An extension for ___ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[x] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to **Deposit Account 50-0310**. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Payment

[] The Commissioner is hereby authorized to charge any additional extension of time or additional claim fees due to **Deposit Account No. 50-0310**.

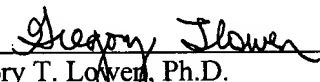
[] The Commissioner is hereby authorized to charge for any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to **Deposit Account 50-0310**.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 27, 2002

By:


Gregory T. Lowen, Ph.D.
Reg. No. 46,882

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ATTORNEY DOCKET NO.: 013306-04-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ian Duncan RUBIN *et al.*

Application No.: 09/891,615

Filed: June 27, 2001

For: EXTRACTS, COMPOUNDS AND
PHARMACEUTICAL COMPOSITIONS
HAVING ANTI-DIABETIC ACTIVITY
AND THEIR USE

Group Art Unit: 1623

Examiner: Patrick T. Lewis

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

AMENDMENT AND RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In response to the Office Action mailed August 27, 2002, Applicants respectfully elect, with traverse, Group I: claims 1-12, 18, 25, 29-30, 32 and 34, drawn to a method of treating or preventing diabetes by administering to a human or animal an effective dosage of an extract of a plant of the genus *Trichocaulon* or the genus *Hoodia*, classified in class 536, subclass 123.1

REMARKS

The Examiner has made a restriction requirement requiring election between the claims of:

Group I: claims 1-12, 18, 25, 29-30, 32 and 34, drawn to a method of treating or preventing diabetes by administering to a human or animal an effective dosage of an extract of a plant of the genus *Trichocaulon* or of the genus *Hoodia*, classified in class 514, subclass 54;

Group II: claims 13-15, 23, 31 and 33, drawn to an extract of a plant of the genus *Trichocaulon* or of the genus *Hoodia*, classified in class 536, subclass 123.1;

Group III: claims 16-18, 21, 25, 27, 29-30, 32 and 34, drawn to a method of treating or

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